



CERTIFICATE OF MAILING  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

February 10, 2004  
\_\_\_\_\_  
Date

*Mary Paul*  
\_\_\_\_\_  
Signature

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
**BRIAN BURKINSHAW**

Serial No.: 10/697,068

Filed: 10/30/2003

For: **DEVICE FOR PERFORMING  
AUTOMATED MICROFRACTURE**

Group Art Unit: 3732

Examiner: Unknown

Atty. Dkt. No.: 2108.000400/IOI-444-CIP

**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A corrected filing receipt is hereby requested in view of the error that appears in the original. For the convenience of the Patent and Trademark Office, attached is a photocopy of the original receipt on which the error has been noted in red.

As the error is not due to any error by Applicant, no fee is believed to be due in connection with the filing of this document. However, should any fee under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Director is hereby

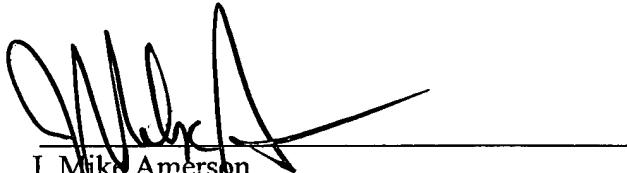
authorized to deduct said fee from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2108.000400.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON  
CUSTOMER NUMBER: 23720

Date: February 10, 2004

A handwritten signature in black ink, appearing to read "J. Mike Amerson", is written over a horizontal line.

J. Mike Amerson  
Reg. No. 35,426  
10333 Richmond, Suite 1100  
Houston, Texas 77042  
(713) 934-4055  
(713) 934-7011 (facsimile)

ATTORNEY FOR APPLICANT



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
PO Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/697,068	10/30/2003	3732	1558	2108.000400/IOI-444-CIP	8	59	4

## CONFIRMATION NO. 8117

J. Mike Amerson  
Williams, Morgan & Amerson, P.C.  
Suite 1100  
10333 Richmond  
Houston, TX 77042

## FILING RECEIPT



FEB - 5 2004

\*OC000000011806762\*

Date Mailed: 02/02/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Brian Burkinshaw, Pflugerville, TX;

## Domestic Priority data as claimed by applicant

This application is a CIP of 10/348,507 01/21/2003,

which claimed benefit of ~~60/418,545~~, filed 10/15/2002

## Foreign Applications

CHECKED BY:	
1ST CHECK	<i>[Signature]</i>
2ND CHECK	<i>[Signature]</i>

If Required, Foreign Filing License Granted: 01/31/2004

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

## Title

Device for performing automated microfracture

## Preliminary Class



606

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).